

KAUAI PLANNING COMMISSION  
REGULAR MEETING

**Tuesday, October 25, 2016**

**9:00 a.m. or Soon Thereafter**  
**Līhu'e Civic Center, Moikeha Building**  
**Meeting Room 2A-2B**  
**4444 Rice Street, Lihue, Kauai, Hawai'i**

**AGENDA**

- A. **CALL TO ORDER**
- B. **ROLL CALL**
- C. **APPROVAL OF AGENDA**
- D. **MINUTES of the meeting(s) of the Planning Commission**
  - 1. Regular Meeting of September 27, 2016.
  - 2. Regular Meeting of October 11, 2016.
- E. **RECEIPT OF ITEMS FOR THE RECORD**
- F. **HEARINGS AND PUBLIC COMMENT** (Noticed hearings will not commence until 9:00 a.m. or soon thereafter.) Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony shall also be accepted when the agenda item is taken up by the Commission. However if an individual has already testified during this period, additional testimony at the agenda item testimony may be allowed at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.
  - 1. **Continued Agency Hearing**
    - a. Special Management Area Use Permit SMA(U)-2016-6 to construct a farm dwelling unit (FDU), garage, agriculture accessory buildings and associated improvements on a parcel located at the terminus of Anini Vista Road in Anini, approx. 900 north of its intersection with Kuhio Highway and further identified as 3471 Anini Road, Tax Map Key 5-3-009:003, CPR Unit 2, affecting a portion of a larger parcel containing a total land area of 12.073 acres = **Area K, LLC**. [Director's Report received and hearing continued 7/26/16, continued 8/23/16.]
      - 1. Memorandum from Applicant dated 10/19/16 requesting deferral to November 22, 2016.

**F. HEARINGS AND PUBLIC COMMENT (Continued)**

**2. New Agency Hearing**

- a. Class IV Zoning Permit Z-IV-2016-18 and Use Permit U-2016-15 to allow conversion of an existing residence into a bed and breakfast operation on a parcel located along the northern side of Poipu Road in Poipu, approx. 250 ft. north of the Kipuka Street/Poipu Road intersection and further identified as 2375 Kipuka Street, Tax Map Key 2-8-023:040, and containing a total area of 10,570 sq. ft. = **Rebecca Smith-Magdaleno**. [Director's Report received 7/12/16, hearing postponed 7/26/16, [deferred 10/11/16 due to no quorum](#).]
  1. Memorandum (10/19/16) from Michael Dahilig, Director of Planning to Sean Mahoney, Chair of the Commission informing the Commission of the Applicant's failure to meet notice requirements pursuant to Chapter 8, Kauai County Code (1987) and the inability to open the agency hearing.
- b. Class IV Zoning Permit Z-IV-2016-19 and Use Permit U-2016-16 to permit the construction and use of three (3) farm worker housing units total over two separate parcels located in Kapaa Homesteads, one parcel situated approx. 0.75 mile east of the Hauiki Road/Waipouli Road intersection identified as 5971 Waipouli Road, and the other parcel located along the mauka side of Oloheua Road situated approx. 0.5 mile northeast of the Kamalu Road/Oloheua Road intersection identified as 5730 Oloheua Road, Tax Map Keys 4-4-003:045 and 048, and affecting a total area of approx. 8 acres = **Steelgrass Farm, LLC**. [Director's Report received by Commission Clerk 9/27/16, [deferred 10/11/16 due to no quorum](#).]
  1. Memorandum (10/4/16) from Michael Dahilig, Clerk of the Commission to Sean Mahoney, Chairperson and members of the Planning Commission relating to the Application for the Proposed Farm Worker Housing Units, Class IV Zoning Permit Z-IV-2016-19 and Use Permit U-2016-16, Tax Map Key 4-4-003:045, 048. [[Deferred 10/11/16 due to no quorum](#).]

**3. Continued Public Hearing (NONE)**

**4. New Public Hearing (NONE)**

**G. CONSENT CALENDAR**

**1. Status Reports (NONE)**

**2. Director's Report(s) for Project(s) Scheduled for Agency Hearing on 11/9/16, (NONE)**

**H. EXECUTIVE SESSION**

1. Pursuant to Hawaii Revised Statutes sections 92-4, 92-5(a)(4), the purpose of this executive session for the Planning Commission is to consult with the County's legal counsel on questions relating to **Robert D. Ferris Trust v. Planning Commission of the County of Kauai, et al.**, No. CAAP-15-0000581, Appeal from Circuit Court of the Fifth Circuit (Civil No. 12-1-0349). This consultation involves consideration of the Commission's powers, duties, privileges, immunities, and/or liabilities with regard to this agenda item. [[Deferred 10/11/16 due to no quorum](#).]

**H. EXECUTIVE SESSION (Continued)**

2. Pursuant to Hawaii Revised Statutes Sections 92-4 and 92-5(a)(4), the purpose of this executive session is to consult with County's legal counsel on questions, issues, status and procedural matters. This consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Commission and the County as they relate to Civil No. 12-0065 SOM-KSC, US District Court Hawaii, Special Management Area Use Permit SMA(U)-2006-4, Project Development Use Permit P.D. U-2006-6 and Class IV Zoning Permit Z-IV-2006-9, Tax Map Keys 4-3-2:15, 16 and 20, Waipouli, Kauai = *Coconut Beach Development, LLC*

**I. GENERAL BUSINESS MATTERS**

1. Clerk of the Commission's Recommendation to Refer an Appeal of the Planning Director's Decision Related to the forfeiture of Non-Conforming Use Certificate TVNCU #1368 (*Coco Cabana*), *Carole Theiss*, Tax Map Key (4)58005002 Wainiha, Kauai, filed on 8/25/16, to a Hearings Officer (Contested Case Hearing No. CC-2016-12); Request for Delegation of Authority to the Clerk of the Commission to Procure and Appoint a Hearings Officer on Behalf of the Commission for the Instant Appeal. [Deferred 10/11/16 due to no quorum.]

**J. COMMUNICATION (For Action) (NONE)**

**K. COMMITTEE REPORTS**

1. Subdivision Subdivision Action matters listed in the Subdivision Committee Agenda (attached).

**L. UNFINISHED BUSINESS (For Action)**

**M. NEW BUSINESS**

1. For Action – See Agenda F for Project Descriptions

**N. ANNOUNCEMENTS**

1. Topics for Future Meetings
2. The following scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, Hawai'i 96766 on **Wednesday, November 9, 2016.**

**O. ADJOURNMENT**

**EXECUTIVE SESSION:** The Commission may go into an executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a) Hawaii Revised Statutes ("H.R.S."), without noticing the executive session on the agenda where the executive session was not anticipated in advance. HRS Section 92-7(a). The executive session may only be held, however, upon an affirmative vote of two-thirds of the members present, which must also be the majority of the members to which the board is entitled. HRS Section 92-4. The reason for holding the executive session shall be publicly announced.

**NOTE: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Lihue, Hawaii 96766. Telephone: 241-4050.**

Pursuant to Section 8-27.8 (6) of the Kaua'i County Code (1987), as amended, the following shoreline setback determinations by the Director are disclosed for purposes of public notification.

October 25, 2016

SHORELINE SETBACK DETERMINATIONS

<b>Application No.</b>	<b>Name of Applicant(s)</b>	<b>Property I.D. (Tax Map Key)</b>	<b>Location</b>	<b>Reasons</b>
SSD-2017-15	Princeville Anini Holdings LLC	5-3-007:002	Anini	Removal of non-compliant improvements in flood zone
SSD-2017-16	Desmond Whitchurch & Barbara Karshmer	5-4-012:011	Princeville	Replacement of atrium enclosure in unit #212
SSD-2017-17	Kapaa Shores	4-3-009:004	Kapaa	New accessory Shed
SSD-2017-18	Greg Safko	5-2-010:007	Kalihiwai	Carport and storage/laundry addition to existing residence

KAUA'I PLANNING COMMISSION  
SUBDIVISION COMMITTEE MEETING

Līhu'e Civic Center, Mo'ikeha Building  
Meeting Room 2A-2B  
4444 Rice Street, Līhu'e, Hawai'i 96766

**Tuesday, October 25, 2016, 8:30 A.M.**

**AGENDA**

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. APPROVAL OF AGENDA**

**D. MINUTES of the meeting(s) of the Subdivision Committee**

1. Regular Meeting of August 23, 2016

**E. RECEIPT OF ITEMS FOR THE RECORD (None)**

**F. HEARINGS AND PUBLIC COMMENT**

Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony may also be accepted when the agenda item is taken up by the Commission at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.

**G. GENERAL BUSINESS MATTERS (None)**

**H. UNFINISHED BUSINESS (None)**

**I. NEW BUSINESS (For Action)**

1. Tentative Subdivision Approval
  - a. Subdivision Application No. S-2017-2  
**(COMMERCIAL PROPERTIES LTD)**  
Proposed 2- lot consolidation  
TMK: (4) 3-3-013: 048 & 049  
Lihue, Kaua'i

1. Subdivision Report pertaining to this matter.

**I. NEW BUSINESS (Continued)**

**2. Final Subdivision Map Approval**

- a. Subdivision Application No. S-2012-16  
**(THE SAIKI FAMILY TRUST)**

Proposed 6-lot subdivision

TMK: (4) 4-1-07:07

Wailua, Kauaʻi

1. Subdivision Report pertaining to this matter.

- b. Subdivision Application No. S-2016-11  
**(CRAIG D. & CHRISTINE J. HOGLUND)**

Proposed 2-lot Subdivision

TMK: (4) 2-6-014:018

Koloa, Kauaʻi

1. Subdivision Report pertaining to this matter.

**3. Subdivision Extension Request**

- a. Subdivision Application No. S-2016-2  
**(KUKUI'ULA DEVELOPMENT CO LLC)**

Proposed 29- lot Subdivision

TMK: (4) 2-6-015:014

Koloa, Kauaʻi

1. Subdivision Report pertaining to this matter

**J. ADJOURNMENT**

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